

@#@#@#@#@#@#@#@

HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:14337 of 1995

DATED:17-03-2006

Between:

G.Kaleswar Rao

..... PETITIONER

AND

A.P.State Federation of Co-operative Spinning Mills Ltd., rep.by its Vice-Chairman & Managing Director, 4th Floor, Posnett Bhavan, Ramkote, Hyderabad.

.....RESPONDENT

@#@#@#@#@#@#@#@

-

ORAL ORDER:

Questioning the action of the respondent in terminating the services of the petitioner, vide proceedings dated 03-07-1995, and seeking a direction to the respondent that his services should be treated as regular and that he should be confirmed in the first available vacancy, the present writ petition is

filed.

This Court, by order in W.P.M.P.No.17520 of 1995 dated 11-07-1995, passed an interim order directing the respondent to continue the petitioner in service as spinning master pending further orders.

While Sri M.Pandurangarao, learned counsel for the petitioner, would submit that the very contract of employment was held to be illegal by a Division Bench of this Court and an employee working on contract basis was directed to be treated as a regular appointee, Sri K.Rajanna, learned counsel for the respondent, would submit that since the petitioner's appointment was on a contract basis, he is not legally entitled to continue in service after expiry of the period of contract. In support of their respective submissions, both the learned counsel would cite several judgments across the bar.

It is wholly unnecessary for this Court to go into these questions since Sri K.Rajanna, learned counsel for the respondent, would submit that the respondent-corporation has been closed and consequent thereto a liquidator has been appointed to wind up the respondent-Corporation. Learned counsel would submit that consequent upon closure, all employees who were in service were offered voluntary retirement except those who were on contract basis. Learned counsel would submit that employees appointed on contract basis are not entitled to be paid the benefits under the Voluntary retirement Scheme. Sri M.Pandurangarao, learned counsel for the petitioner, would submit that, if this fact has been brought to the notice of the petitioner, appropriate proceedings would have been instituted to challenge the action of the respondent in this regard.

The scope of this writ petition is limited. The challenge herein is to the order of termination on completion of the period of contract and in view of the

interim directions passed by this Court, the petitioner was continued in service till the corporation itself was closed down. The cause in the writ petition therefore does not survive. Needless to state that dismissal of this writ petition shall not preclude the petitioner, if he so chooses, from questioning the action of the respondent in denying him, the Voluntary retirement scheme and other benefits, on the ground that he is a contract employee.

The writ petition is accordingly dismissed. No order as to costs.

17th March, 2006

SKM